The opinion in support of the decision being entered today was not written for publication and is not binding precedent of the Board.

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte LAURENCE LEE,
FRANK WYATT, HEATHER GANSKE
and EUGENE H. SANDER

Appeal No. 2006-0400
Application No. 09/917,433

ON BRIEF

Before KIMLIN, GARRIS, and WALTZ, Administrative Patent Judges.

GARRIS, Administrative Patent Judge.

DECISION ON APPEAL

This is a decision on an appeal which involves claims 13-18 and 26-30.

The subject matter on appeal relates to a process for coating particles in an upward flowing fluidized bed dryer or granulator which includes the step of monitoring various process parameters such as inlet air temperature and fluidizing gas flow. This appealed subject matter is adequately represented by independent claim 13 which reads as follows:

13. A process for coating particles comprising:

providing an insert within an upward flowing fluid bed dryer or granulator with a screen across the bottom of the dryer or granulator, the insert comprising a vertically adjustable cylindrical partition located substantially on a vertical axis of the granulator or dryer, a spray nozzle with a heated liquid line and an atomizing gas line connected thereto which is positioned such that a liquid is sprayed within the adjustable cylindrical partition at a selected temperature, the spray nozzle being position in a non-heat conducting relation to the bottom screen, the spray nozzle being located substantially on the vertical axis;

loading the dryer with a bed [sic, of] particles;

adjusting the cylindrical partition such that the position of the top of the cylindrical partition is above the bed of particles and product can be removed from the dryer;

adjusting the spray nozzle such that a spray zone is created within the cylindrical partition;

providing a gas to fluidize the bed of particles through the bottom screen;

providing an atomizing gas which is processed through the spray nozzle;

providing the liquid at the selected temperature in the heated liquid line which is atomized through the spray nozzle;

contacting the particles with the liquid from the spray nozzle within the cylindrical partition and spray zone;

drying the particles in an area outside the partition;

circulating the particles from the fluidized bed up through the cylindrical partition, down through the drying zone and back into the fluidized bed until a selected amount of liquid is coated onto the particles; and

wherein an inlet air temperature, a product temperature, a spray liquid temperature, a spray nozzle temperature, an atomizing air temperature, a spray liquid line temperature, a coating zone temperature, a fluidizing gas flow, and atomizing gas pressure are monitored.

The references set forth below are relied upon by the examiner as evidence of obviousness:

Reynolds	3,354,863	Nov. 28, 1967
Biehl et al. (Biehl)	4,217,851	Aug. 19, 1980
Glatt et al. (Glatt)	4,858,552	Aug. 22, 1989
Cody et al. (Cody)	4,993,264	Feb. 19, 1991
Luy et al. (Luy)	5,632,102	May 27, 1997

Claims 13-16, 18 and 26-30 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Glatt in view of Reynolds in view of Luy and further in view of Cody, while claim 17 is correspondingly rejected over these references in combination with the Biehl reference.[1]

We refer to the brief and to the answer for a complete discussion of the opposing viewpoints expressed by the appellants and by the examiner concerning these rejections.

OPINION

For the reasons well stated in the answer, we will sustain each of the rejections advanced on this appeal.

It is the appellants' basic contention that "none of the cited prior art references disclose [sic, discloses] monitoring an air inlet temperature, a product temperature, a spray liquid temperature, a spray nozzle temperature, an atomizing air temperature, a spray liquid line temperature, a coating zone temperature, a fluidizing gas flow, and an atomizing gas pressure [as required by the appealed claims]" (brief, page 7). We cannot agree.

Like the examiner, we consider the applied prior art to evince that the afore-quoted parameters are recognized in this art as being result-effective variables. In this regard, see particularly the Glatt reference (e.g., see lines 4-9 in column 6, lines 24-35 in column 6, and lines

[1] On page 6 of the brief, the appellants state that "[c]laims 13-18 and 26-30 stand and [sic] fall together." Consistent with this statement, the argument in the brief is advanced by the appellants against all appealed claims as a group and against both of the above noted rejections together. Therefore, in considering the appellants' argument, we will focus on representative independent claim 13 with which all other claims on appeal will stand or fall.

1-20 in column 7) as well as the Cody reference (e.g., see lines 26-31 in column 2). It would have been obvious for one with ordinary skill in this art to monitor such art-recognized, result-effective variables. See In re Woodruff, 919 F.2d 1575, 1578, 16 USPQ2d 1934, 1936-37 (Fed. Cir. 1990); In re Boesch, 617 F.2d 272, 276, 205 USPQ 215, 219 (CCPA 1980); In re Aller, 220 F.2d 454, 456, 105 USPQ 233, 235 (CCPA 1955).

In summary, for the reasons set forth in the answer and above, the reference evidence adduced by the examiner establishes a prima facie case of obviousness which has not been successfully rebutted by the appellants with argument or evidence of nonobviousness. We hereby sustain, therefore, each of the section 103 rejections before us on this appeal. See In re Oetiker, 977 F.2d 1443, 1445, 24 USPQ2d 1443, 1444 (Fed. Cir. 1992)

The decision of the examiner is affirmed.

No time period for taking any subsequent action in connection with this appeal may be extended under 37 CFR § 1.136(a)(iv)(effective Sept. 13, 2004).

AFFIRMED

Edward C. Kimlin
Administrative Patent Judge

Bradley R. Garris
Administrative Patent Judge

Thomas A. Waltz
Administrative Patent Judge

BOARD OF PATENT

INTERFERENCES

BRG/cam

Z. Peter Sawicki
Westman, Champin & Kelly
Suite 1600
International Centre
900 Second Avenue South
Minneapolis, MN 55402-3319